

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

Deborah Gale Brown,)	Case No.: 8:22-cv-3631-BHH
)	
)	
Plaintiffs,)	
)	
)	
v.)	
)	
)	NOTICE OF REMOVAL
Gary Lynn Montgomery and Volume)	
Transportation, Inc.,)	
)	
Defendants.)	

TO: THE UNITED STATES COURT:

Defendants, Gary Lynn Montgomery and Volume Transportation, Inc., would respectfully show the Court in support of its Notice of Removal that:

1. The Summons and Complaint in this action were filed on September 21, 2022 in the Court of Common Pleas for Anderson County, South Carolina. Attached for the Court are copies of Plaintiff's Summons and Complaint. The Complaint is the first pleading served upon the Defendant in this action. Therefore, removal is timely under 28 U.S.C. §1446(b).
2. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. §1332. The Plaintiff is a resident and citizen of the State of South Carolina; Defendant Gary Lynn Montgomery is a resident and citizen of the State of Georgia; and Defendant Volume Transportation, Inc. is incorporated in the State of Georgia and has its principal place of business in the State of Georgia. The action has been brought by the Plaintiff against the Defendant for the alleged accident which occurred in Anderson County, South Carolina.

3. Venue is proper in this matter in the ANDERSON Division of this Court in accordance with 28 U.S.C. §1441(a).

4. Upon information and belief, the amount in controversy in this matter exceeds \$75,000.00 as Plaintiff failed to limit his damages in the Complaint and, before filing suit, sent a demand letter seeking full bodily injury insurance policy limits which exceeds the sum of \$75,000. Prior to that demand, the Plaintiff, through former counsel, sent a demand seeking \$250,000.

5. Defendant has filed no pleadings in this action with the Court of Common Pleas for the State of South Carolina in response to this Complaint; however, Defendant's Answer to the Plaintiff's Complaint is filed herewith contemporaneously.

6. Defendant has furnished a copy of this Notice of Removal to the Clerk of Court for Anderson County.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.

s/ Richard E. McLawhorn, Jr.

Richard E. McLawhorn, Jr. Fed. I.D. No. 11441 _____

Adam M. Crain Fed. I.D. No. 13355

Sweeny, Wingate & Barrow, P.A.

Post Office Box 12129

Columbia, SC 29211

(803) 256-2233

ATTORNEYS FOR THE DEFENDANTS

Columbia, South Carolina

October 19, 2022